

AO 91 (Rev. 01/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
District of New MexicoUnited States of America  
v.

Brandon John MARTIN

Case No: 24-348MJ

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of March 07, 2024 in the county of Hidalgo in the State and District of New Mexico, the defendant violated 8 U.S.C. §1324(a)(1)(A)(v)(I)(Conspiracy to Violate 1324 - All subsections), an offense described as follows:

Knowingly, intentionally, and unlawfully conspired, combined, confederated and agreed with others known and unknown, to commit offenses against the United States, namely: to transport, move, and attempt to transport and move an alien within the United States by means of transportation and otherwise

This criminal complaint is based on these facts:

On March 07, 2024, Border Patrol Agent (BPA) One and his canine partner were assigned to Zone 40 of the Lordsburg Border Patrol Station's area of responsibility (AOR). At approximately 11:57 a.m., the Lordsburg Tactical Operations Center (TOC) put out over the communications network, that a white medical transport van with a blue bottom had been spotted picking up possible undocumented citizens near the 384-mile marker on Highway 80 which is part of a known smuggling corridor. Within about five minutes of the initial radio call, BPA Two notified BPA One via his service radio that the company name on the medical transport van was possibly out of business and the phone numbers listed for the company were no longer in service.

☒ Continued on the attached sheet.



Complainant's signature

Arturo Munoz, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence.  
- by telephone. JHR

Date: March 9, 2024

City and state: Las Cruces, N.M.



Judge's signature

Jerry H. Ritter, U.S. Magistrate Judge

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

V.

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**Continuation of Statement of Facts:**

A little while later, another call went out on the service radio stating that the vehicle had been spotted turning west into Price Canyon. Around 12:25 p.m. the TOC notified BPA One that the vehicle had turned around and was now heading towards Rodeo, NM., which was the general area of where BPA One had stationed his service vehicle. The vehicle passed his location at the state-line at approximately 12:35 p.m. BPA One noticed that the vehicle did not look like a typical transport van because it had a lot of damage to the front hood, roof, and dents along the driver's side. BPA One got behind the vehicle and ran vehicle checks through 892 (Deming Control). The medical transport van was registered out of Scottsdale, Arizona. This would be an unusual route for a medical company out of Scottsdale, Arizona to travel to Price Canyon in Arizona since this must be over a four-hour trip each way.

BPA One activated his emergency equipment and initiated a vehicle stop around the 4-mile marker on Highway 80. BPA One went to the passenger side window of the vehicle and identified himself as a Border Patrol Agent and as a canine handler. BPA One questioned the male driver and female passenger as to their citizenship. They both claimed to be citizens of the United States. BPA Two and BPA Three arrived on scene. BPA One then asked the driver (later identified as Defendant MARTIN, Brandon John) if he minded if he performed a canine sniff of the exterior of his vehicle, Defendant MARTIN said, "that was fine". BPA One asked the driver and passenger to exit the vehicle and stand out of danger from the road with BPA Three. BPA One then asked the Defendant MARTIN if he could perform a canine search on the interior of his vehicle, Defendant MARTIN said "no". Additionally, BPA One asked driver if there were any additional persons in the vehicle and Defendant MARTIN stated "no".

BPA One then walked around the vehicle and noticed what appeared to be the shape of two individuals laying under blankets in the rear of the van. BPA One brought his canine partner, who is trained to detect concealed humans and the odors of controlled substances, to the front passenger side of the vehicle because this was the downwind side of the van. As they proceeded with his sniff from the front of the van to the driver's side BPA One's canine partner alerted towards the center of the van on the driver's side.

BPA One told Defendant MARTIN that his canine alerted to his vehicle which gives him probable cause to search it. BPA One told Defendant MARTIN that he had also seen what appeared to be people hiding under blankets in the back of the van. BPA One and BPA Four opened the side door on the passenger side of the van and could see eight individuals laying down trying to remain out of sight. BPA One then opened the rear doors and identified himself as a Border Patrol Agent. All eight subjects freely admitted to being citizens of Mexico and having no legal documentation to be, remain in or travel through the United States. BPA Four placed the eight subjects under arrest, and BPA Three placed Defendant MARTIN and the USC passenger under arrest for human smuggling.

\*\*\*\*\*Addendum by BPA Five\*\*\*\*\*

On March 7, 2024, BPA Five and BPA Six conducted a post arrest interview of Defendant MARTIN concerning a failed two on eight illegal alien smuggling scheme near Rodeo, New Mexico. Defendant MARTIN was read his form I-214 Warning as to Rights at approximately 2:21 p.m. Defendant MARTIN signed the form acknowledging his rights and acknowledging he was willing to make a statement without an attorney present.

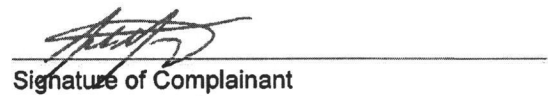
BPA Five asked Defendant MARTIN to explain the details of his encounter with the United States Border Patrol resulting in his arrest for illegal alien smuggling. Defendant MARTIN provided details indicating he made arrangements with an unknown subject to drive down to Douglas, Arizona to pick up a group of individuals. Originally, he was only going to pick up three or four people, however the unknown subject told him he had a few more subjects he needed to pick up and Defendant MARTIN agreed because he could always use the extra money. BPA Five asked Defendant MARTIN how much he was going to get paid, and he said he would get paid an undisclosed amount of money per subject. Defendant

MARTIN admitted to knowing he was picking up illegal aliens along Arizona State Road 80 in the secluded desert area at random geographic coordinates provided to him by the unknown subject. Defendant MARTIN admitted this was at least his fourth time performing a smuggling load. BPA Five asked Defendant MARTIN where he was taking the subjects and he replied, "I was taking them to Phoenix, Arizona where I have taken groups of subjects before". Defendant MARTIN admitted he normally takes Arizona State Road 80 up to Interstate 10 to travel back to Phoenix, Arizona. When BPA Five asked Defendant MARTIN why he takes that route, he explained that he takes the route because he knows there is no Border Patrol checkpoints along this route.

**Continuation of Statutory Language:**



Signature of Judicial Officer



Signature of Complainant

Munoz, Arturo  
Filing Agent